In the High Court of Punjab and Haryana at Chandigarh.

Regular Second Appeal No.3237 of 2006.

Date of decision:23.10.2006.

Joginder Singh.

...Appellant.

Versus

Mander Singh.

...Respondent.

...

Coram: Hon'ble Mr. Justice S. N.Aggarwal.

...

Present; Mr.Gurbir Singh Toor Advocate for the appellant.

...

Judgment.

S. N. Aggarwal, J.

Mander Singh respondent filed a civil suit against the appellant for the recovery of Rs.1,11,400/- on the plea that the appellant had taken loan amount of Rs.65,000/- from him on 1.6.2001 and had agreed to pay interest. The appellant failed to refund the principal amount or to pay the interest thereon. Hence,the suit.

The appellant denied the allegations made in the plaint. He also denied his signatures on the pronote and the receipt. He also denied having taken any loan from the respondent in the presence of Bhola Singh and Gurmit Singh witnesses. He also alleged that the

pronote and the receipt set up by the respondent were forged and fabricated documents.

Issues were framed.

The respondent had examined himself as PW-1. He also examined Gurmit Singh as PW-2 and Malkiat Singh as PW-3 and proved the pronote and the receipt Exhibits P1 and P2.

On the other hand, the defendant failed to lead any evidence and his evidence was closed by order.

In the net result, the suit of the respondent for the recovery of Rs.65,000/- with interest was decreed by the learned trial Court vide judgment and decree dated 1.2.2006.

The appellant filed an appeal. The learned Lower Appellate Court up-held the finding of fact recorded by the learned trial Court and dismissed the appeal vide judgment and decree dated 21.4.2006.

Hence, the present appeal.

The submission of learned counsel for the appellant was that no opportunity was granted to the appellant to prove his case. Hence, it was prayed that the judgments of the Courts below be set aside and the appellant be granted an opportunity to prove his case.

This submission has been considered. It has no merits at all. The appellant had not filed any revision petition against the order by which his evidence was closed by order. Moreover, his evidence was closed by the learned trial Court only after he was afforded sufficient opportunities including the last opportunity and still he failed to

produce his evidence. The loan was taken on 1.6.2001. The matter remained pending with the learned trial Court for two years and still the appellant had failed to produce any evidence.

Both the Courts below have recorded concurrent findings of fact that the appellant had taken the loan from the respondent and had executed the pronote and the receipt in his favour and had agreed to pay the interest thereon. There is no reason to disturb the findings of fact recorded by the learned Courts below.

No substantial question of law arises.

No merit.

Dismissed.

October 23,2006. (S. N. Aggarwal)
Jaggi Judge